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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,
vs.
Larry Edward Brown, Jr.,
Defendant.

CR-24-0355-PHX-SPL

GOVERNMENT'S MOTION IN LIMINE
TO EXCLUDE DEFENDANT'S
HEARSAY STATEMENTS

Now comes the United States of America, by and through its undersigned attorneys, and hereby submits this Motion *in limine* to exclude introduction of hearsay statements by the defendant.

The Federal Rules of Evidence define hearsay as a statement by the declarant that was not made while testifying at the current trial, and that is offered in evidence to prove the truth of the matter asserted. Rule 801(c), Fed. R. Evid. Hearsay is not admissible unless subject to an exception. Rule 802, Fed. R. Evid. A defendant's non-self-inculpatory statements are inadmissible hearsay. *United States v. Ortega*, 203 F.3d 675, 682 (9th Cir. 2000); *Williamson v. United States*, 512 U.S. 594, 599-600 (1994). Allowing a defendant to place his exculpatory statements before the jury without subjecting himself to cross-examination is "precisely what the hearsay rule forbids." *United States v. Fernandez*, 839 F.2d 639, 640 (9th Cir. 1988).

For the reasons discussed, the government respectfully requests an order by the Court that the defendant be precluded from introducing his hearsay statements through

cross-examination of the government witnesses, through direct examination of any defense witnesses other than the defendant himself, or from referencing such statements in defense counsel's opening statement.

PROPOSED LANGUAGE

Should the Court grant this motion *in limine*, the government respectfully requests that the Court include the following language in its order:

The Defendant, Larry Edward Brown, Jr., is precluded from introducing his hearsay statements through cross-examination of the government witnesses, through direct examination of any defense witness other than the defendant himself, and during defense counsel's opening statement.

Respectfully submitted this 14th day of January 2025.

GARY M. RESTAINO
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*s/Monica E. Ryan
s/Nathaniel J. Walters*

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Copy of the foregoing served electronically or by other means this 14th day of January 2025, to:

All ECF Participants